

United States District Court District of Massachusetts

UNITED STATES OF AMERICA

V.

CRIMINAL NO. 12-10226-DJC-01

JOHN KOSTA,
Defendant.

PROPOSED ORDER ***SETTING CONDITIONS OF RELEASE***

COLLINGS, U.S.M.J.

After hearing, the Court finds that there is a combination of conditions of release which will reasonably assure the appearance of the defendant and the safety of other persons and the community. Accordingly, the Court proposes to set the following Conditions of Release:

- (1) The defendant shall live only at 5 Hemlock Circle, Middleton, Massachusetts (“the residence”) and at no other location.
- (2) The defendant is released into the Third Party Custody of his parents, John and Virginia Mihalakakis.
- (3) The defendant shall be subject to electronic monitoring at the residence and may not leave the residence except (a) for the purpose of attending a previously scheduled appearance in a court, (b) for the purpose of visiting an attorney who is representing his

in a pending criminal matter, (c) for the purpose of seeking medical care and (d) for the purpose of performing administrative tasks for which his presence is required in connection with his children's medical care and/or education. Permission to leave the residence for the above-stated purposes (a), (b), (c) or (d) is conditioned on the defendant complying with all of the requirements imposed by Pretrial Services and that at all times when the defendant is out of the residence, she shall be in the *actual physical presence* of one or both of the third-party custodians.

- (4) There must be a landline telephone at the residence and all features on the landline telephone which are incompatible with electronic monitoring must be removed *prior* to the defendant's release.
- (5) The defendant acknowledges that a warrant for his arrest has been signed by an authorized judicial officer and is being held in abeyance and, further, that the warrant will be activated without notice to the defendant if he should be found to have violated Condition # 3.
- (6) The defendant shall not apply for a passport or any type of travel documents while on release. Any passports held by any of the defendants children must be surrendered to Pre-Trial Services prior to release.
- (7) The defendant's travel is restricted to Essex, Middlesex and Suffolk counties, Massachusetts.
- (8) The defendant shall not possess any firearms, destructive devices or dangerous weapons while on release and there shall be no such firearms, destructive devices or dangerous weapons in the residence.
- (9) The defendant shall not use alcohol to excess and shall not use or possess any narcotic controlled substance except by prescription from a licensed medical practitioner.

- (10) The defendant shall submit to a drug test on the day of his release and at any time specified by Pretrial Services.
- (11) The defendant shall notify Pretrial Services within twenty-four (24) hours if she is arrested or has any contact with any law enforcement officials.
- (12) The defendant shall not violate any Federal, state or local law while on release, including the provisions of 18 U.S.C. §§ 1503, 1512 and 1513.
- (13) The defendant and the third party custodians shall sign a \$400,000 bond secured by the equity in the residence at 5 Hemlock Circle, Middleton, Massachusetts and a \$200,000 bond secured by the equity in the dwelling at 361 Maple Street, Lynn, Massachusetts. The mortgages on the two properties must be recorded and proof of the recording must be filed in Court prior to the defendant's release.
- (14) The defendant shall have no contact, either directly or indirectly, (except through his attorney) with any co-defendant other than his wife.

/s/ Robert B. Collings

ROBERT B. COLLINGS
United States Magistrate Judge

Date: December 26, 2012.